

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1203 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 31-17-2-25 IS ADDED TO THE INDIANA
- 4 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 2006]: **Sec. 25. (a) This section applies if a**
- 6 **custodial parent or guardian of a child dies or becomes unable to**
- 7 **care for the child.**
- 8 **(b) Except as provided in subsection (c), if a person other than**
- 9 **a parent files a petition:**
- 10 **(1) seeking to determine custody of the child; or**
- 11 **(2) to modify custody of the child;**
- 12 **the court shall set an initial hearing not later than forty-eight (48)**
- 13 **hours after the petition is filed to determine whether emergency**
- 14 **placement of the child with a person other than the child's**
- 15 **noncustodial parent pending a final determination of custody is in**
- 16 **the best interest of the child.**
- 17 **(c) A court is not required to set an initial hearing in accordance**
- 18 **with this section if:**
- 19 **(1) it appears from the pleadings that placement with a person**
- 20 **other than the noncustodial parent is not in the best interest**
- 21 **of the child;**
- 22 **(2) it appears from the pleadings that the petitioner does not**
- 23 **have a reasonable likelihood of success on the merits; or**
- 24 **(3) manifest injustice would result."**
- 25 Renumber all SECTIONS consecutively.

(Reference is to HB 1203 as printed January 26, 2006.)

Representative Grubb